

**LOCAL PRIMACY DELEGATION AGREEMENT
AGREEMENT AMENDMENTS**

(Changes noted in *italics* and **bold** under 2017 Agreement Column)

2013 AGREEMENT

2017 AGREEMENT

California Department of Public Health	<i>State Water Resources Control Board, Division of Drinking Water</i>
Pg. 2: ARTICLE II. TERMS OF DELEGATION	Pg. 2: ARTICLE II. <i>LPA PROGRAM REQUIREMENTS</i>
<p>Pg. 2: <u>Section 2.01. Permitting of Small Public Water Systems.</u></p> <p>(a) Issuance. The County shall cause the LPA to issue and maintain a valid drinking water permit (“Permit”) for all small public water systems within the County’s jurisdiction. The Permit must be issued in conformity with and include all terms and conditions set forth in HSC §116525 through §116550.</p>	<p>Pg. 2: <u>Section 2.01. Permitting of Small Public Water Systems.</u></p> <p>(a) Issuance. The County shall cause the LPA to issue and maintain a valid drinking water permit (“Permit”) <i>for each public water system within the County’s jurisdiction for which the State Board concurs that the permit may be issued as provided for in Health & Safety Code, section 116540 (b) (as amended by SB 1263 (2016)). The County shall cause the LPA to submit to the State Board a copy of each permit application for a new public water system and each technical report required by Health & Safety Code, section 116527. The County shall prohibit the LPA from issuing a Permit to any public water system unless it has received written concurrence from the State Board to issue the Permit. The Permit must be issued in conformity with and include all terms and conditions set forth in the Safe Drinking Water Act and the Permit Manual on the Division’s FTP website (https://ftp.waterboards.ca.gov/WebInterface/login.html), and on any successor website, (hereinafter FTP website). The State Board shall notify the County within three (3) business days of making any change to any requirement on the FTP website that is referenced in the Agreement or these Amendments with which the County is required to comply.</i></p>
<p>Pg. 4: <u>Section 2.04 Sampling and Monitoring</u></p> <p>(e) Monitoring. Establish a system to assure that the water quality monitoring data submitted by each small public water system is reviewed each month for compliance.</p>	<p>Pg. 4: <u>Section 2.04 Sampling and Monitoring</u></p> <p>(e) Monitoring <i>and Review.</i> Establish <i>and maintain a system to ensure that each public water system under its jurisdiction: (A) Is in compliance with all applicable requirements of California Code of Regulations, Title 22; and (B) Submits all required water quality data electronically to the Board. The County shall be deemed to be in compliance with requirement (A) with regard to any public water system that is out of compliance so long as the County is taking appropriate and timely enforcement action as provided for in Section 2.07.</i></p>
<p>Pg. 5: <u>Section 2.05 Data Management and Reporting.</u></p> <p>The County shall cause the LPA to establish and maintain a database of record and report data elements electronically to the Department in the</p>	<p>Pg. 5: <u>Section 2.05 Data Management and Reporting.</u></p> <p><i>Deleted introductory paragraph and subparagraphs (a) through (e).</i></p> <p><i>(a) The County shall cause the LPA to comply with the Board’s instructions on the FTP website regarding</i></p>

format designated by the then current electronic submission specifications as follows:

(a) — On a monthly basis, no later than 30 days following the month being reported:

(i) — A list of all small public water systems that failed during the previous month to comply with drinking water monitoring and reporting requirements of California or federal law.

(ii) — A compliance report containing the following information for each small public water system that is in violation of California or federal law: (1) the name and water system identification number of the system; (2) a description of the type of violation and the standard violated; and (3) a description of any enforcement action taken by the LPA with respect to the violation.

(iii) — An electronic copy of each enforcement action in a PDF format (citations, compliance orders, and any court filings) issued by the LPA that was submitted to the Department as listed in Section 2.05(a)(ii)(3).

(b) — On a quarterly basis, no later than 30 days following the quarter being reported:

(i) — A list of domestic water supply permits for small public water systems that have been issued, amended, or renewed during the reporting period. The list shall include the name and the identification number of the water system.

(ii) — A list of the small public water systems for which an inspection or sanitary survey was conducted during the reporting period. The list shall indicate the name and identification number of the small public water system and the type of routine inspection or sanitary survey performed.

(iii) — A list of small public water systems that are required to comply with the Lead and Copper Rule (LCR) requirements of 22 CCR Chapter 17.5 and the LPA's LCR data, including the

issuance of unsafe water alters, including, but not limited to, notifying the agencies identified in the document.

(b) The County shall cause the LPA to use: (1) SDWIS-State to report to the Division on or before 30 days after the last day of each calendar quarter each of those data elements in the SDWIS-State that are being implemented by the Division; (2) SDWIS-State to report to the Division any additional data element within 90 days of being notified that the Division has implemented the additional element; and (3) any database that is a successor to the SDWIS-State within 90 days of being notified that the Division has implemented the successor database as directed by the Board. The County shall cause the LPA to comply with all guidance on the Division's FTP SDWIS website (hereinafter "FTP-SDWIS website") relating to SDWIS-State data entry procedures and compliance management rules.

(c) The County shall cause the LPA to submit to the Board's Division of Information Technology and electronic PDF copy of each citation and each order issued by the LPA within 30 days of issuance and shall use the file naming convention and submission procedures that are provided on the FTP website.

(d) The County shall cause the LPA to submit to the Board an electronic copy of each pleading initiating a civil or criminal action that the County has filed or referred for filing against a public water system within 30 days of the later of the date of filing of the pleading or the date of receipt by the County of the pleading.

(e) The County shall cause the LPA to submit to the Board a written list of issued, amended or renewed domestic water supply permits for each public water system under public water system activities. Each entry in the time accounting system must include the following: date, staff identification, activity name/code, hours spent on activity.

(f) The County shall cause the LPA to comply with all requests from the Board to issue an amended permit to public water systems regardless of whether the public water system submitted an application for an amended, provided that the Board has determined that the amended permit is necessary to protect public health.

(g) The County shall cause the LPA to make all reasonable effort to provide to the Board any communications it receives, including but not limited to, reports of oral communications, relating to matters under the board's authority that are not delegated to the LPA.

name and identification number of the small public water system, LGR monitoring period frequency, water sample collection date, number of water samples collected, number of water samples required, the lead 90th percentile result, and the copper 90th percentile result. The LPA may request a copy of the Department's LGR database for tracking and reporting LGR data in order to clarify the information the LPA is required to track and report and to provide a template for the LPA's report of LGR data.

(c) — On an annual basis, no later than August 15th of each year, the LPA shall submit an updated inventory of small public water systems under the LPA's jurisdiction.

(d) — The LPA agrees to submit electronic data files as requested by the Department, but in no case greater than monthly.

(e) — The LPA agrees to submit their entire water system database electronically within 30 days of the Department's request for same.

(h) The County shall cause the LPA to provide to the Board within five (5) business days all petitions for reconsideration as described in the Health and Safety Code section 116701 that the LPA receives from public water systems, and shall not take any other action with regard to any petition for reconsideration.

Pg. 6: Section 2.06 Additional Data Reporting to the Division

The County shall cause the LPA to (i) send written notice to all small public water systems under their jurisdiction directing them to electronically submit, to the Department's designated location, an electronic annual report in the format specified by the Department, submitted no later than July 1st of each year (the "EAR"), and (ii) review and, if adequate, accept such EAR. If the EAR is deficient in any manner, the LPA shall notify the small public water system of the specific defects in the EAR and the system shall then resubmit a corrected EAR for further review.

Pg. 6: Section 2.06 Additional Data Reporting to the Division

Unless otherwise directed by the Board, the County shall cause the LPA to: (a) by March 1 of each calendar year, direct all public water systems under its jurisdiction to submit by April 1 of each calendar year to the DRINC website an electronic annual report (hereinafter "EAR"); (b) by June 1 of each calendar year review each EAR and, if complete, accept such EAR; (c) by June 15 of each calendar year notify each public water system that failed to submit a timely, complete EAR that the water system must submit a complete EAR by July 1; and (d) by July 15, issue a citation for compliance order to each public water system that has not submitted a complete EAR. The LPA shall comply with the FTP website's EAR guidance documents.

<p>Pg. 6: <u>Section 2.07 Enforcement</u></p> <p>The County shall cause the LPA to take enforcement action against small public water systems in accordance with 22 CCR § 64258 and consistent with the Department's enforcement manual. As used in this Section, "enforcement action" shall be limited to the actions set forth in Division 104, Part 12, Chapter 4, Articles 9 (<i>Remedies</i>), 10 (<i>Judicial Review</i>) and 11 (<i>Crimes and Penalties</i>) of the HSC (commencing with HSC §116650).</p>	<p>Pg. 6: <u>Section 2.07 Enforcement</u></p> <p>The County shall cause the LPA to take <i>appropriate and timely enforcement action against small public water systems in accordance with California Code of Regulations, Title 22, section 64258 and consistent with the Division's Staff Guide to Compliance and Enforcement on the Division's Enforcement webpage (http://drinc.ca.gov/tgs/Login.aspx?ReturnURL=Contact.aspx).</i></p>
<p>Pg. 6: ARTICLE III: LPA PROGRAM REQUIREMENTS</p>	<p>Pg. 6: ARTICLE III: LPA <i>MANAGEMENT</i> REQUIREMENTS</p>
<p>Pg. 6: <u>Section 3.01 Dedicated Staff Time</u></p> <p>The LPA will dedicate adequate staffing for the implementation of the small public water system regulatory program during the 2013 fiscal year and in subsequent years. The "adequate" level of staff workload dedicated and performed for the 2013 fiscal year shall be as set forth in the special conditions attached hereto in Exhibit A and in subsequent years shall be negotiated and incorporated into the Annual Work Plan.</p>	<p>Pg. 6: <u>Section 3.01 Dedicated Staff Time</u></p> <p><i>The County shall cause the LPA to submit as a part of its Annual Work Plan pursuant to section 2.02: 1) the proposed staffing level for the fiscal year; and 2) justification that will demonstrate the proposed staffing level will meet the requirements of the Agreement.</i></p>
<p>Pg. 6: <u>Section 3.04 Program Management and Costs</u></p> <p>Each LPA will establish and maintain a time accounting system to determine the amount of reimbursement to be billed to each small public water system consistent with the terms of HSC §116595. The hourly cost rate of the LPA must be determined using the criteria set forth in HSC §116590(b).</p>	<p>Pg. 6: <u>Section 3.04 Program Management and Costs</u></p> <p><i>The County shall cause the LPA to establish and maintain a time accounting system that provides an accurate record of all time spent by each LPA staff person in performing public water system activities. Each entry in the time accounting system must include the following: date, staff identification, activity name/code, hours spent on activity.</i></p>
<p>Pg. 11: Article A-2 <u>Adequate Staffing</u>.</p> <p>The "adequate" level of dedicated staff time referred to Section 3.01 of this Agreement means three quarters full-time dedicated employee (0.75 FTE)</p>	<p>Pg. 11: Article A-2 <u>Adequate Staffing</u>.</p> <p>The "adequate" level of dedicated staff time referred to Section 3.01 of this Agreement means <i>two (2) full-time dedicated employees (2.0 FTE)</i> Environmental Health Specialists and</p>

Environmental Health Specialist and associated administrative support. This adequate staffing shall be incorporated into the Annual Work Plan.

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